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4 UNITED STATES DISTRICT COURT

5 DISTRICT OF NEVADA

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7 TASHOMBI WILLIAMS,

8 Plaintiff,

9 v.

10 SHERIFF JOE LOMBARDO, et al.,

11 Defendants.

Case No. 2:18-cv-00348-JCM-PAL

**REPORT OF FINDINGS AND
RECOMMENDATION**

12 This matter is before the court on Plaintiff Tashombi Williams' failure to comply with the
13 court's Order (ECF No. 5). This proceeding is referred to the undersigned pursuant to 28 U.S.C.
14 § 636(b)(1)(B) and LR IB 1-4 of the Local Rules of Practice.

15 Plaintiff submitted a complaint as part of his initiating documents (ECF No. 1) on February
16 23, 2018, but he did not submit an application to proceed *in forma pauperis* ("IFP") or remit the
17 \$400 filing fee. On May 8, 2018, the court entered an Order (ECF No. 5) directing the Clerk of
18 the Court to mail Plaintiff a blank IFP application, and allowing him to file a completed IFP
19 application or pay the \$400 filing fee on or before June 7, 2018. *Id.* The Order warned Plaintiff
20 that a failure to file an IFP application or pay the filing fee would result in a recommendation to
21 the district judge that this case be dismissed. Plaintiff has not filed a completed IFP application,
22 paid the filing fee, requested an extension of time, or taken any other action to prosecute this case.

23 Accordingly,

24 **IT IS RECOMMENDED** that:

25 1. This action be DISMISSED without prejudice to the Plaintiff Tashombi Williams'
26 ability to commence a new action in which s/he either pays the appropriate filing fee in
27 full or submits a completed application to proceed *in forma pauperis*.

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2. The Clerk of the Court be instructed to close this case and enter judgment accordingly.

Dated this 12th day of July, 2018.

Tiggy A. Teer

PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE

NOTICE

This Report of Findings and Recommendation is submitted to the assigned district judge pursuant to 28 U.S.C. § 636(b)(1) and is not immediately appealable to the Court of Appeals for the Ninth Circuit. Any notice of appeal to the Ninth Circuit should not be filed until entry of the district court's judgment. *See Fed. R. App. Pro. 4(a)(1).* Pursuant to LR IB 3-2(a) of the Local Rules of Practice, any party wishing to object to a magistrate judge's findings and recommendations shall file and serve *specific written objections*, together with points and authorities in support of those objections, within 14 days of the date of service. *See also* 28 U.S.C. § 636(b)(1); Fed. R. Civ. Pro. 6, 72. The document should be captioned "Objections to Magistrate Judge's Report of Findings and Recommendation," and it is subject to the page limitations found in LR 7-3(b). The parties are advised that failure to file objections within the specified time may result in the district court's acceptance of this Report of Findings and Recommendation without further review. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). In addition, failure to file timely objections to any factual determinations by a magistrate judge may be considered a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the recommendation. *See Martinez v. Ylst*, 951 F.2d 1153, 1156 (9th Cir. 1991); Fed. R. Civ. Pro. 72.